Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of Pakistan*

1. The Committee against Torture considered the initial report of Pakistan (CAT/C/PAK/1) at its 1506th and 1508th meetings (see CAT/C/SR.1506 and 1508), held on 18 and 19 April 2017, and adopted the present concluding observations at its 1530th and 1531st meetings, held on 4 and 5 May 2017.

A. Introduction

2. The Committee welcomes the submission of the initial report of Pakistan and the information contained therein. It regrets, however, that the report was submitted four years late.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international human rights instruments by the State party:

(a) The International Covenant on Civil and Political Rights, in 2010;

(b) The Convention on the Rights of Persons with Disabilities, in 2011;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2011, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2016.

5. The Committee also welcomes the adoption of the following legislative, administrative and policy measures by the State party in areas of relevance to the Convention:

(a) The National Action Plan for Human Rights, in 2016;

(b) The Anti-Honour Killing Laws (Criminal Amendment Bill) and the Anti-Rape Laws (Criminal Amendment Bill), in 2016;

(c) The National Human Rights Commission Act, in 2012, and the operationalization of the National Human Rights Commission, in 2015;

* Adopted by the Committee at its sixtieth session (18 April-12 May 2017).

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(d) The Investigation for Fair Trial Act and the corresponding Investigation for Fair Trial Rules, in 2013.

C. Principal subjects of concern and recommendations

Allegations of widespread use of torture by the police

6. While noting with appreciation the State party's rejection of torture and the efforts made to develop and strengthen mechanisms to implement its obligations under the Convention, the Committee is deeply concerned at consistent reports that the use of torture by the police with a view to obtaining confessions from persons in custody is widespread throughout the territory of the State party. While the State party indicated that disciplinary measures had been taken against more than 7,500 police officers in Punjab and Khyber Pakhtunkhwa provinces as punishment for involvement in torture, death in custody, misuse of official power, misbehaviour and illegal confinement, no information was provided to the Committee indicating that criminal proceedings had been initiated against any of the police officers concerned. The Committee notes that, during the dialogue, the State party provided information on 13 cases in which prosecutors had brought charges against members of the police, including cases of alleged extrajudicial killing and torture. However, no indication was given of whether any of the cases has yet resulted in criminal penalties (arts. 2, 12 and 16).

7. **The Committee calls upon the State party to:**

(a) **Ensure that officials of the State party at the highest levels unambiguously reaffirm the absolute prohibition of torture and publicly condemn all practices of torture, and issue a clear warning that anyone committing such acts or otherwise complicit or participating in torture will be held personally responsible before the law and will be subject to criminal prosecution and appropriate penalties;**

(b) **Take measures to ensure that all police officers in the State party are prohibited by law from engaging in torture, as under the 2002 police order applicable in certain provinces of the State party;**

(c) **Ensure that police officers who engage in torture are prosecuted and punished with penalties that are commensurate with the gravity of the offence of torture, as required under article 4 of the Convention;**

(d) **Train police officers and security forces on the absolute ban on torture, the provisions of the Convention, and forensic evidence-gathering techniques that will reduce their reliance on securing confessions as the basis for criminal investigations.**

Inadequate investigation of complaints of torture

8. The Committee regrets that police officers reportedly frequently threaten or are not responsive to persons who seek to register First Information Reports alleging official misconduct; that officers are charged with investigating allegations of torture committed by their colleagues and that the Federal Investigation Agency is not sufficiently independent to ensure that criminal cases against police officers are effectively pursued; that the oversight bodies contemplated by the State party's legislation are not operational or effective in practice; and that, although medical doctors have documented evidence of torture in many cases, the authorities are reluctant to take action on the basis of that information (arts. 2, 11-13 and 15).

9. **The Committee urges the State party to:**

(a) **Take effective measures to ensure that persons who file complaints concerning conduct amounting to torture, witnesses to torture and their families are protected against harassment and intimidation in retaliation for making a complaint;**

(b) **Ensure that police officers suspected of committing acts of torture are suspended during the investigations into allegations of torture pending their outcome;**

(c) **Take immediate measures to ensure the establishment and effective operation of effective police oversight bodies, particularly public safety commissions, at the district and provincial levels throughout the State party;**

(d) **Consider creating a mechanism that is independent of the police hierarchy and has the capacity to receive complaints, investigate and address all allegations of torture;**

(e) **Strengthen the independence of the district standing medical boards and ensure that the authorities promptly open criminal investigations into all cases in which medico-legal boards find evidence that a person has been subjected to torture in custody.**

Impunity for acts of torture by military and paramilitary forces and intelligence agencies

10. The Committee is deeply concerned at reports that members of the State party's military forces, intelligence forces, such as the Inter-Services Intelligence agency, and paramilitary forces, such as the Frontier Corps and the Pakistan Rangers, have been implicated in a significant number of cases of extrajudicial executions involving torture and enforced disappearances. The Committee is also concerned about the possibility provided in the State party's laws for retroactive immunity for acts of torture committed by members of the military and paramilitary forces after the February 2008 events, under provisions of the Actions (in Aid of Civil Power) Regulation of 2011 and the 2015 amendment to the Army Act, which grants all personnel associated with military courts complete retrospective immunity from prosecution for actions taken in "good faith". The Committee is further concerned by the exclusive jurisdiction of the military justice system over soldiers accused of offences against civilians. It regrets that the State party provided no information on members of the military, intelligence services or paramilitary forces who had been prosecuted and punished for acts amounting to torture, as defined by the Convention. It also regrets that the State party did not provide the information it had requested on the status of investigations or prosecutions concerning cases it raised with the delegation, including: (a) the alleged involvement of army officers in the enforced disappearance in 2012 of 35 persons from an internment centre in Malakand, Khyber Pakhtunkhwa province; (b) the alleged involvement of members of the Frontier Corps in the enforced disappearance and killing in 2009 of Baloch political figures Ghulam Mohammad Baloch, Lala Munir Baloch and Sher Mohammad Baloch; and (c) the death in May 2016 of Aftab Ahmad in the custody of members of the Pakistan Rangers (arts. 2, 12-13 and 16).

11. **The State party should:**

(a) **Take all necessary measures to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body, that perpetrators are duly prosecuted and, if found guilty, convicted with penalties that are commensurate with the grave nature of their crimes;**

(b) **Amend the Actions (in Aid of Civil Power) Regulation and the 2015 amendment to the Army Act to eliminate retrospective immunity and clarify that anyone committing acts of torture, or otherwise complicit, acquiescent or participating in torture, will be subject to criminal prosecution and upon conviction, appropriate penalties;**

(c) **Ensure that military personnel are tried in civil courts for acts of torture and similar offences;**

(d) **End the State party's use of paramilitary forces to carry out law enforcement tasks and ensure that complaints of torture made against members of such forces are investigated and prosecuted.**

Torture in the context of counter-terrorism efforts

12. While recognizing the State party's ongoing efforts to protect its population from violence by certain non-State terrorist groups, the Committee is deeply concerned that its counter-terrorism legislation, particularly the Anti-terrorism Act, 1997, eliminates legal

safeguards against torture that are otherwise provided to persons deprived of their liberty. That legislation allows security agencies and civil armed forces to detain any person suspected of committing an offence under the Act for up to three months without review or the possibility of lodging a habeas petition, and allows the detention without trial of up to a year of any person suspected of being involved in the activities of a proscribed organization. The Committee is also concerned that the Act allows courts to admit confessions as evidence as long as the district superintendent of police was present when the accused confessed, in contrast with civil courts where confessions are admissible in court only if they are made to a magistrate. The Committee is deeply concerned that the State party has authorized military courts to try civilians for terrorism-related offences, most recently in 2017 under the twenty-third amendment to the Constitution, particularly in view of the lack of independence of military court judges, which are within the military hierarchy. The Committee is also deeply concerned about the practices of such courts, including the holding of closed trials. Furthermore, the Committee is concerned by the very broad powers given to the Army to detain people suspected of involvement in terrorist activities without charge or judicial supervision in internment centres under the Actions (in Aid of Civil Power) Regulation, 2011 (arts. 2 and 15).

13. **The Committee recalls that article 2 (2) of the Convention indicates that no exceptional circumstances whatsoever may be invoked as a justification of torture. In its general comment No. 2 (2007) on the implementation of article 2, the Committee states that exceptional circumstances include any threat of terrorist acts. In that regard, the Committee urges the State party to:**

(a) **Repeal or amend the Anti-terrorism Act and other relevant legislation to ensure that all persons deprived of their liberty have access to legal safeguards against torture, including prompt presentation before a magistrate and the possibility of a habeas petition, and to ensure that confessions obtained without the presence of a magistrate are inadmissible as evidence;**

(b) **Put an end to the use of military courts for terrorism-related prosecutions, transfer criminal cases brought against civilians from military courts to civil courts and provide the opportunity for appeal in civil courts of cases involving civilians that have already been adjudicated under military jurisdiction;**

(c) **Repeal or amend the Actions (in Aid of Civil Power) Regulation, 2011 in order to remove the power of the military to establish internment centres in the Federally Administered Tribal Areas and the Provincially Administered Tribal Areas, and ensure that no one is held in secret or incommunicado detention anywhere in the territory of the State party, as detaining individuals in such conditions constitutes per se a violation of the Convention. So long as such internment centres remain in operation, ensure that independent monitors and family members of those detained are able to access those places of detention.**

Definition and criminalization of torture

14. While noting that article 14 (2) of the Constitution of Pakistan prohibits torture for the purpose of extracting information, that certain provisions of the Pakistan Penal Code punish infliction of "hurt" and that the Police Order 2002 punishes torture by police officers, the Committee is concerned that the State party's legislation fails to provide a specific definition of torture that incorporates its various elements, as defined in article 1 of the Convention, and fails to explicitly criminalize it as required under articles 2 (1) and 4 of the Convention. The Committee is also concerned that a bill on torture, custodial death and custodial rape (prevention and punishment) has been pending before the parliament for several years without being adopted (arts. 1-2 and 4).

15. **The Committee urges the State party to take the necessary measures to incorporate into its legislation a specific definition of torture that covers all the elements of the definition contained in article 1 of the Convention and establishes penalties that are commensurate with the gravity of the act of torture. The Committee encourages the State party to review the torture, custodial death and custodial rape**

(prevention and punishment) bill to ensure its full compatibility with the Convention and promote its adoption, or propose new legislation to accomplish that.

Fundamental legal safeguards

16. While noting that the State party's legislation guarantees legal safeguards such as prompt access to a lawyer, family access and the requirement that all arrested persons must be presented to a magistrate within 24 hours of detention, the Committee is concerned about reports that those safeguards are not respected in practice. The Committee is also concerned by the lack of effective implementation of the right to request and receive an independent medical examination promptly upon deprivation of liberty, and that not all detentions are recorded promptly in a comprehensive central detention register that is accurate and accessible to detainees' family members (art. 2).

17. **The State party should ensure, in law and in practice, that all detainees are afforded all fundamental legal safeguards from the outset of the deprivation of liberty, including the safeguards mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2 (2007) on the implementation of article 2. In particular, it should ensure:**

(a) **That all persons deprived of their liberty are able in practice to have prompt access to a lawyer, especially during police interrogations, to notify a relative or other person of the detainee's choice of the reasons for and place of detention, to challenge, any time during the detention, the legality or necessity of the detention before a magistrate who can order the detainee's immediate release, and to receive a decision without delay. The State party should regularly verify that law enforcement officials respect legal safeguards, and penalize any failure by officials to do so;**

(b) **That its legislation includes a provision guaranteeing all persons deprived of liberty the right to request and receive promptly an independent medical examination;**

(c) **That all deprivations of liberty are recorded promptly in a comprehensive central detention register, and that all detainees' family members and their lawyers have the right to access that information in the register.**

Enforcement of the Convention by the judiciary and access to justice

18. The Committee is concerned about reported discrepancies in the administration of justice, including with respect to the jurisdiction of the Federal Shariat Court, which create difficulties for victims of torture who seek justice, as referenced by the Special Rapporteur on the independence of judges and lawyers (see A/HRC/23/43/Add.2). The Committee is particularly concerned about reports that women victims of torture face numerous obstacles in accessing justice, which leads to impunity and other violations of the Convention.

19. **The Committee calls on the State party to ensure that all judicial and extrajudicial bodies in the State party uphold the provisions of the Convention. It urges the State party to ensure that, should the decisions reached by those bodies be found to contravene its obligations under the Convention, the decisions can be challenged and invalidated. The State party should review practices that inhibit all victims of torture from lodging complaints and ensure that all complaints of torture are promptly and impartially examined by competent authorities and that all individuals who lodge complaints are protected from retaliation.**

National Human Rights Commission

20. While welcoming the State party's creation of the National Human Rights Commission in 2015, the Committee is deeply concerned that the Chairman of the Commission did not receive the reportedly required authorization and as a result, staff of the Commission were unable to participate in a private meeting with the Committee just prior to the interactive dialogue with the State party. The Committee is also deeply concerned that the legislation providing for the creation of the Commission states that the Commission cannot inquire into the practices of the intelligence agencies and is not

authorized to undertake full inquiries into reports of human rights violations by members of the armed forces. The Committee welcomes the significant increase in funding provided to the Commission. However, it is concerned that further resources, including personnel, are required for the Commission to effectively monitor respect for human rights throughout the country (arts. 2 and 12-13).

21. **The State party should take immediate measures to ensure that the National Human Rights Commission is able to carry out its mandate fully and in an effective and independent manner, and in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by allowing the Commission to meet in person with international human rights mechanisms abroad. The State party should strengthen the power of the Commission and ensure that it is able to investigate all cases of torture or ill-treatment committed by any entity carrying out arrests and detentions in the State party, including intelligence agencies and armed forces. The State party should also strengthen its efforts to provide the Commission with sufficient financial and human resources for it to carry out activities throughout the State party.**

Reprisals against and harassment, intimidation and arrest of human rights defenders, lawyers and journalists

22. The Committee is concerned about continued reports of intimidation and harassment, including physical attacks and administrative detention, of human rights defenders, lawyers and journalists and their family members. The reports include the cases of human rights defenders Waqas Goraya, Aasim Saeed, Salman Haider and Ahmad Raza Naseer, who were allegedly abducted by State agents in January 2017, and journalist Zeenat Shahzadi, who was allegedly subjected to enforced disappearance in August 2015. The Committee is also concerned by the lack of information provided by the State party concerning any investigations into such allegations (arts. 2, 12, 14 and 16).

23. **The State party should take all the necessary measures to protect human rights defenders, lawyers and journalists from harassment and attacks, systematically investigate all reported instances of intimidation, harassment and attacks with a view to prosecuting and punishing perpetrators, and guarantee effective remedies to victims and their families, including in the above-mentioned cases. The State party should ensure that no person or organization is subjected to harassment or intimidation as a result of having published information concerning the State party's compliance with its obligations under the Convention.**

Enforced disappearances

24. The Committee welcomes the State party's cooperation with the Working Group on Enforced or Involuntary Disappearances, including receiving a visit in 2012. However, the Committee is concerned that enforced disappearance is not criminalized as a distinct offence in the State party. It is also concerned that hundreds of enforced disappearances have been reported in recent years in the State party and that the State party's authorities have not taken adequate steps to investigate the reports and identify those responsible. The Committee is further concerned by reports that the national Commission of Inquiry on Enforced Disappearances is not sufficiently independent and lacks the resources to carry out its mandate. The Committee regrets that the work of the Commission has not yet resulted in any criminal prosecutions in cases of enforced disappearance (arts. 2, 12, 14 and 16).

25. **The State party should ensure that enforced disappearance is a specific crime in domestic law, with penalties that take into account the grave nature of such disappearances. It should ensure that all enforced disappearances are thoroughly, promptly and effectively investigated, suspects are prosecuted and those found guilty are punished with sanctions proportionate to the gravity of their crimes. It should also take measures to strengthen the independence, resources and investigative capacity of the national Commission of Inquiry on Enforced Disappearances to enable it to fulfil its mandate effectively and independently. Furthermore, the State party should implement the advice of the Working Group on Enforced or Involuntary**

Disappearances, especially with regard to increasing the power of the National Commission of Inquiry on Enforced Disappearances and allocating it adequate resources.

Monitoring of places of detention

26. The Committee welcomes the State party's information about the so-called "jail committees" that conduct periodic visits in every jail and prison to inquire about the state of the inmates and make recommendations to jail authorities to address inmates' grievances. However, the Committee is concerned at reports that the jail committees have not been made operational in practice and about the lack of a fully independent monitoring mechanism (arts. 2, 11-13 and 16).

27. **The State party should:**

(a) **Ensure that the reports of the jail committees are made public and that the authorities follow up on cases in which monitors identify concerns about torture or ill-treatment;**

(b) **Ensure that independent national and international monitors, including representatives of non-governmental organizations, are able to monitor all places of arrest, detention and imprisonment through regular visits, including unannounced visits. It should collect information on the place, time and periodicity of visits, including unannounced visits, to places of arrest, detention and imprisonment, and on the findings and the follow-up to the outcome of such visits;**

(c) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establishing a national preventive mechanism.**

Conditions of detention

28. The Committee is deeply concerned about reports that cases of death in custody as a result of torture and allegations of sexual abuse of minors by prisoners and prison staff have not been subject to effective investigation and the perpetrators of such acts have not been punished. The Committee is also concerned at reports that severe overcrowding and extremely poor conditions are pervasive in places of detention in the State party, including unsanitary facilities and insufficient access to medical services. It is further concerned at reports that 70 per cent of the prison population consists of pretrial detainees and that juvenile prisoners are kept together with adults. The Committee is concerned that, despite a declaration by the High Court that the use of fetters is unconstitutional, fettering is reportedly still common in certain areas of Pakistan. The Committee is deeply concerned that individuals imprisoned on charges of blasphemy are frequently placed in solitary confinement for extended periods of time, as is reportedly the case of Junaid Hafeez, who has been held in solitary confinement since May 2014 (arts. 11 and 16).

29. **The State party should:**

(a) **Ensure that all cases of death in custody are promptly and effectively investigated;**

(b) **Establish an independent and confidential complaints system for all persons deprived of their liberty;**

(c) **Urgently strengthen efforts to alleviate overcrowding in detention facilities, including through the application of alternative measures to imprisonment;**

(d) **Take effective measures to improve sanitation, health services and facilities available to all detainees and ensure that conditions of detention in the State party are brought into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(e) **Ensure that pretrial detainees are held separately from convicts, women from men and minors from adults, and that allegations of sexual abuse are duly investigated and the perpetrators prosecuted and punished;**

(f) **Refrain from holding individuals in solitary confinement for a prolonged period of time on the grounds that doing so is necessary to ensure their safety. In cases where those concerns are present, such as with respect to persons deprived of their liberty on charges of blasphemy, the State party should ensure that the measures taken to effectively protect such individuals from harm do not themselves amount to ill-treatment;**

(g) **Ensure that the prohibition against fettering persons deprived of their liberty is enforced throughout the territory of the State party.**

Violence against women and so-called "honour killings"

30. While noting the adoption of the Anti-Rape Laws (Criminal Amendment Bill), 2016 and the Anti-Honour Killing Law (Criminal Amendment Bill) and the State party's commitment to addressing those crimes, the Committee is concerned about the reportedly high level of violence against women in the State party, which includes murder, rape, acid crimes, kidnappings, domestic violence and "honour killings". It is also concerned about the extremely low conviction rates for those crimes, and at reports that parallel justice systems (known as panchayats or *jirgas*), have sentenced women to violent punishment or even death, including stoning, and have provided lenient punishments for perpetrators of "honour crimes" and in other cases of serious gender-based violence (arts. 2, 14 and 16).

31. **The Committee urges the State party to:**

(a) **Intensify efforts to prevent, combat and eradicate all forms of violence against women, including by strengthening legal provisions in national and provincial legislation that address and criminalize violence against women;**

(b) **Ensure that all cases of violence against women are thoroughly, effectively and promptly investigated, that perpetrators are prosecuted and convicted with penalties commensurate with the gravity of the crime and that victims obtain redress, including adequate compensation;**

(c) **Further strengthen its efforts to invalidate and ensure that State officials do not recognize or carry out judgments of parallel justice mechanisms or alternative dispute resolution mechanisms, such as panchayats or *jirgas*, that exculpate perpetrators of crimes committed in the name of "honour", that call for women to be subject to corporal punishment, or that are otherwise inconsistent with the State party's obligations under the Convention;**

(d) **Guarantee in practice that women who are victims of violence have immediate access to legal remedies, and ensure that they are able to access effective protection, including shelters, medical care and psychological support;**

(e) **Conduct awareness-raising campaigns and training for public officials concerning their due diligence obligation under the Convention to protect women from violence, including honour killings, and to refrain from acquiescing in or condoning such violence.**

Trafficking and forced labour

32. The Committee is concerned that, despite the efforts made by the Government, consistent reports refer to high levels of trafficking in persons for sexual exploitation and forced or bonded labour, including exploitation of children as domestic workers in slave-like conditions (arts. 2, 12, 14 and 16).

33. **The Committee urges the State party to:**

(a) **Take measures to eradicate and combat human trafficking and forced labour, investigating all allegations of trafficking and forced labour and ensuring that perpetrators are prosecuted and convicted with sentences commensurate with the gravity of the crime;**

(b) **Establish mechanisms for the systematic and regular monitoring of workplaces in the formal and informal sectors, including domestic work, in order to**

prevent forced and bonded labour and other forms of ill-treatment, abuse and exploitation;

(c) Ensure that victims of trafficking obtain redress, including compensation and rehabilitation.

Refugees and non-refoulement

34. While commending the State party for hosting millions of refugees, many of them Afghans, the Committee is concerned about recent documented reports of coercion, including threats of deportation and police abuse, extortion, raids and arbitrary detention, to return Afghans, including registered refugees, to their country of origin where they could be at risk of persecution, torture or ill-treatment. The Committee regrets the lack of a legal framework for refugees and asylum seekers (art. 3).

35. **The State party should:**

(a) Amend legislation, particularly the Extradition Act 1972 and the Foreigners Order 1951, and procedures to fully comply with the principle of non-refoulement and to protect refugees and asylum seekers, in line with article 3 of the Convention;

(b) Consider adopting a comprehensive law on asylum that is consistent with international human rights standards and norms and is in accordance with article 3;

(c) Consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

(d) Investigate allegations of police abuse against Afghans and other actions by public authorities undertaken for the purpose of coercing them to return to their country of origin, despite the real risk of torture they face, and discipline or criminally sanction those responsible for such abuse.

Due diligence to prevent violence by non-State actors

36. The Committee is concerned about reports of violence against and inadequate efforts by the State party's authorities to protect vulnerable individuals, particularly members of Shia, Christian and Ahmadiyya communities and individuals accused of blasphemy, from violence by non-State actors. The Committee is particularly concerned about the conduct of the State party's authorities in the recent case of Mashal Khan, who was killed by a mob after being accused of blasphemy. The Committee is also concerned by reports that the State party's authorities have sometimes refrained from promptly investigating reports and prosecuting perpetrators of activities including abduction for ransom by groups including the Haqqani Network and Lashkar-e-Tayyaba (arts. 2, 12-13 and 16).

37. **The Committee calls on the State party to:**

(a) Protect members of vulnerable groups, including religious minority communities and individuals exercising freedom of opinion or expression, from violence perpetrated by non-State actors. The State party should ensure that all acts of violence by non-State actors, including mob violence, are investigated promptly, effectively and impartially, that perpetrators are punished and that victims obtain appropriate redress;

(b) Ensure that the State party's authorities promptly investigate allegations of abduction for ransom by all non-State actors and groups operating in its territory.

Corporal punishment

38. While noting the information provided by the State party's delegation that they are not implemented in practice, the Committee is concerned that provisions in the State party's laws allow for the imposition of corporal punishment, including whipping, amputation and stoning (art. 16).

39. **The State party should take the necessary legislative measures to eradicate and explicitly prohibit all forms of corporal punishment in all settings, as they amount to**

torture and cruel, inhuman or degrading treatment or punishment, in violation of the Convention.

Juvenile justice

40. The Committee is concerned about the execution of individuals who were reportedly minors at the time of the offence, in breach of international and domestic prohibitions. While noting that minors have the possibility of challenging their age determination in court, the Committee is concerned about the reported lack of an adequate mechanism to determine the age of juvenile offenders that is in line with due process and fair trial standards.

41. **The State party should ensure the existence of effective mechanisms for appealing age determination decisions in a timely manner. The Committee recommends that the State party increase its efforts to ensure that any minor accused of a crime receives independent and effective legal counsel.**

Redress

42. While welcoming the efforts of the Government to create new rehabilitation centres that provide medical and psychological assistance, the Committee is concerned about reports that many victims of torture are unable to access redress and compensation. It is also concerned at the lack of information provided by the State party on cases in which victims of acts of torture or ill-treatment committed by public officials have obtained compensation or other forms of redress (art. 14).

43. **The Committee, recalling its general comment No. 3 (2012) on the implementation of article 14, urges the State party to:**

(a) **Take measures to guarantee that victims of torture and ill-treatment benefit from effective remedies and obtain full and effective redress and reparation, including adequate compensation and rehabilitation, regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted or convicted;**

(b) **Ensure that specialized, holistic rehabilitation services are available and promptly accessible by victims of torture and ill-treatment without discrimination, through the direct provision of rehabilitative services by the State or through the funding of other facilities, including those administered by non-governmental organizations.**

Data collection

44. While acknowledging that the Committee's review concerned the State party's initial report under article 19 of the Convention, the Committee deeply regrets that the State party's report did not contain, and that the delegation of the State party could not provide, the data requested on prosecutions and convictions of public officials for conduct amounting to torture under the Convention; information on the progress of particularly significant investigations; data on the number, capacity and occupancy rate of places of detention in the State party; and data on redress, including compensation provided in cases of torture and ill-treatment. The Committee also regrets the absence of statistical data on investigations and prosecutions concerning enforced disappearances, violence against women and girls, trafficking in persons, contemporary forms of slavery and instances of deportation of refugees (arts. 2-3, 11-14 and 16).

45. **The State party should collect and submit statistical data, disaggregated by the age and sex of the victim, that would allow the Committee to more effectively assess the State party's implementation of the Convention at the national level, particularly data on complaints, investigations, prosecutions and convictions related to acts of torture and ill-treatment attributed to law enforcement personnel. Statistical data should also be collected and submitted on physical and sexual violence against girls and women, domestic violence, refugees and enforced disappearances.**

Follow-up procedure

46. **The Committee requests the State party to provide, by 12 May 2018, information on follow-up to the Committee's recommendations on prosecutions of police officers found guilty of acts of torture, the establishment and operation of effective police oversight bodies and measures to ensure that all allegations of torture or ill-treatment are promptly, thoroughly and impartially investigated by a fully independent civilian body (see paras. 7 (c), 9 (c) and 11 (a)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

Other issues

47. **The Committee recommends that the State party withdraw the reservation not recognizing the competence of the Committee to make a confidential inquiry, provided in article 20.**

48. **The State party is requested to make publicly available and disseminate widely the report submitted to the Committee, the summary records of the dialogue and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.**

49. **The Committee invites the State party to submit its next periodic report, which will be its second periodic report, by 12 May 2021. To that end, the Committee invites the State party to agree, by 12 May 2018, to follow the optional reporting procedure in preparing that report. Under that procedure, the Committee will transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its second periodic report under article 19 of the Convention. The State party is also invited to submit its common core document in accordance with the requirements contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN.2/Rev.6).**